

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

TERRUM INVESTMENTS, LTD.	§	
	§	
<i>Plaintiff</i>	§	
	§	
VS.	§	
	§	CIVIL ACTION NO. 5:17-cv-226
MAIC AMERICAN INSURANCE	§	
COMPANY	§	
	§	
<i>Defendants</i>	§	

**DEFENDANT MARKEL INSURANCE COMPANY'S
NOTICE OF REMOVAL**

TO THE HONORABLE COURT:

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Markel American Insurance Company ("MAIC") files this Notice of Removal and respectfully shows the Court as follows:

FACTUAL AND PROCEDURAL BACKGROUND

1. This case involves a dispute over insurance coverage for alleged property damage under MAIC Policy No. MKLM5IM0050131.

2. On August 31, 2017, Terrum Investments, LTD. ("Plaintiff") filed its Original Petition in the matter styled *Terrum Investments, LTD. v. MAIC American Insurance Company*; Cause No. 2017CV100204703; In the 341st Judicial District Court, Webb County, Texas ("State Action"), in which Plaintiff asserts claims for breach of contract, common law bad faith, and violations of the Texas Insurance Code.

BASIS FOR REMOVAL

3. Removal is proper under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446. There is complete diversity of citizenship and the amount in controversy is above the required limit.

4. Upon information and belief, Plaintiff is a Texas limited liability company operating in Webb County, Texas.

5. Defendant MAIC is a corporation organized and existing under the laws of Virginia, with its principal place of business in Glen Allen, Virginia.

6. Attached hereto as Exhibit “A” is the Index of Matter Being Filed. A copy of the Webb County Clerk’s Docket Sheet and file for this case is attached as Exhibit “B”, which includes true and correct copies of executed process, pleadings, and orders. Attached hereto as Exhibit “C” is MAIC’s List of All Counsel of Record.

7. Plaintiff seeks monetary relief over \$100,000, excluding interest and costs. *See Plaintiff’s Original Petition*. Plaintiff seeks to recover attorney’s fees, statutory penalties, and damages for breach of contract and violations of the Texas Insurance Code. Accordingly, the amount in controversy exceeds the jurisdictional removal requirement of \$75,000.

REMOVAL IS PROCEDURALLY CORRECT

8. MAIC was served, via the Texas Department of Insurance, with Plaintiff’s Original Petition on September 25, 2017. MAIC files this Notice of Removal within the thirty-day time period required by 28 U.S.C. § 1446(b).

9. Venue is proper in this district and division under 28 U.S.C. § 1446(a) because this district and division include county in which the State Action has been pending, and because a substantial part of the events giving rise to the Plaintiff's claims allegedly occurred in this district and division.

10. Pursuant to 28 U.S.C. § 1446(a), all pleadings, process, orders, and all other filings in the State Action are attached to this Notice.

11. Pursuant to 28 U.S.C. § 1446(d), promptly after MAIC files this Notice, written notice of the filing will be given to the Plaintiff, the adverse party.

12. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal will be filed with the Clerk of Fort Bend County, promptly after MAIC files this Notice.

CONCLUSION

13. Based upon the foregoing and the other documents filed contemporaneously with this Notice, all fully incorporated herein by reference, Defendant Markel American Insurance Company hereby removes this case to this Court for trial and determination.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/ Cyrus Haralson
Cyrus W. Haralson
Texas Bar No. 24065371
Email: charalson@thompsoncoe.com
Saira S. Siddiqui
Texas State Bar No. 24093147
Email: ssiddiqui@thompsoncoe.com
One Riverway, Suite 1400
Houston, Texas 77056
Telephone: (713) 403-8210
Facsimile: (713) 403-8299
COUNSEL FOR DEFENDANT

**MARKEL AMERICAN INSURANCE
COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2017, a true and correct copy of foregoing instrument was served on all counsel of record by the Court's ECF system.

/s/ Saira Siddiqui
SAIRA SIDDIQUI